

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JENELL HARTMAN,

Plaintiff,

v.

CIV No. 09-1166 LH/WDS

BIG LOTS STORES, INC.,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

The parties reached a negotiated resolution of this matter and filed a Joint Motion to Approve the Parties' Settlement Agreement and Release on November 30, 2010 (Doc. 24). Thereafter, the Court referred the matter to Magistrate Judge Schneider to conduct a fairness hearing and to perform any legal analysis required to make a recommendation to the Court regarding the negotiated settlement (Doc. 25).

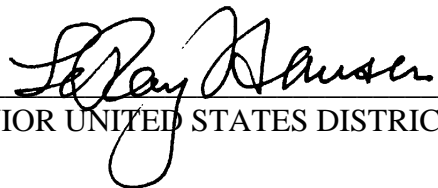
Judge Schneider entered his Report and Recommendations on February 15, 2011 (Doc. 31). After considering the pleadings, the presentations at the hearing, the motion, and the applicable law, Judge Schneider concluded that the settlement agreement is fair. He therefore recommended that the Court enter an order approving the settlement and the distribution of settlement proceeds as described in the motion. The Report and Recommendations advised the parties that objections were due within fourteen (14) days of service of the Report and Recommendations and that if no objections were filed, no appellate review would be allowed. To date, no objections have been filed.

IT IS THEREFORE ORDERED that the Report and Recommendations is adopted as an order of the Court and the Joint Motion to Approve the Parties' Settlement Agreement is granted for the reasons stated in the Report and Recommendations.

Additionally, Judge Schneider informed the parties at the time of the fairness hearing that public policy requires that the terms of a settlement under the Fair Labor Standards Act be a matter of public record, notwithstanding the earlier entry of a confidentiality order. The Court instructed Defendant to advise the Court if it found publication of the settlement terms unacceptable but received no such notice from Defendant.

IT IS THEREFORE ORDERED that the parties must file on the docket the Settlement Agreement and Release so that it may be accessed by the public.

IT IS FURTHER ORDERED that the parties must submit a stipulated order of dismissal to the Court no later than April 21, 2011.



SENIOR UNITED STATES DISTRICT JUDGE